

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RUBEN SMITH, M.D.,

Plaintiff,

-against-

FRANKLIN HOSPITAL MEDICAL CENTER,

Defendant.

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WEXLER, District Judge

MEMORANDUM AND ORDER

CV 04-3555 (LDW) (ARL)

Plaintiff Ruben Smith, M.D., brought this employment discrimination action against defendant Franklin Hospital Medical Center, later named Franklin Hospital, asserting age discrimination claims under the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq. (the “ADEA claims”) and various supplemental state law claims. Upon defendant’s motion to dismiss, plaintiff withdrew certain of the state law claims and this Court dismissed certain others, leaving the ADEA claims and state law claims for breach of contract, breach of implied covenant of good faith, and fraudulent misrepresentation. Then, upon defendant’s motion for summary judgment, this Court, by Memorandum and Order dated November 17, 2006 (the “November 17 Order”), granted the motion and dismissed the breach of contract, breach of implied covenant of good faith, and fraudulent misrepresentation claims, but denied the motion as to the ADEA claims. Defendant now moves for reconsideration of November 17 Order, and requests dismissal of the ADEA claims. Plaintiff opposes the motion.

Upon consideration, the motion for reconsideration is denied.

SO ORDERED.

_____/s/_____
LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
March 8, 2007